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Subject: PLCD Weekly Leg. Report for the week of February 3, 2014

OAP-PLCD Capitol Hill Report

Week of February 3rd, 2014

Congressional Action:

On February 4th, the Senate passed (68-32) the Farm bill, **H.R. 2642**, and President Obama is expected to sign the bill into law on Friday. The bill includes provisions that exempt imported seeds from Notice of Arrival rules under **FIFRA** and forest roads from **CWA** discharge permits. During conference negotiations on the legislation, provisions involving **NEPA** streamlining, disclosure of information related to agriculture, and the **SPCC** rule were stricken.

On February 5th, the House passed (268-154) **H.R. 3590**, the **Sportsmen's Heritage and Recreational Enhancement Act of 2013 (SHARE Act)**. Title I of the bill amends **TSCA** by exempting fishing equipment, ammunition and associated propellants and primers from regulation under TSCA. Prior to passage, the House voted down Democratic amendments that would have stripped the NEPA waivers from the bill and an amendment that would have allowed the Interior Secretary to consider climate change in decisions involving conservation and recreation on public lands.

On February 5th, the House passed (229-191) **H.R. 3964**, the **Sacramento-San Joaquin Valley Emergency Water Delivery Act**, which would halt restoration of the San Joaquin River and instead divert water to Central Valley farms. Section 111 of the bill includes a provision that deems delivery of water to be compliant with **NEPA** if a Notice of Determination or a Notice of Exemption is filed for any water project in accordance with the California Environmental Quality Act. The White House issued a

Statement of Administration Policy (SAP) threatening to veto the bill and is available at:
www.whitehouse.gov/sites/default/files/omb/legislative/sap/113/saphr3964h_20140205.pdf

On February 6th, the House voted on amendments to **H.R. 2954**, a package titled **Public Access and Lands Improvement Act**. Included in the package are amendments pulling in ten prior bills, including an amendment from Rep. McClintock (R-CA) that would allow the Forest Service more flexibility in implementing a salvage logging plan in areas impacted last year by the Rim Fire and deeming the logging plan to be in compliance with **NEPA**, the **ESA** and other federal laws. An amendment from Rep. Labrador (R-ID) would require a losing party that challenged the Secretary's final grazing decision to pay the other parties fees if the challenger is not directly affected by the grazing decision as well as waive review under **NEPA** and limit public involvement affecting grazing resources. The White House issued a Statement of Administration Policy (SAP) strongly opposing this bill but stopped short of issuing a veto threat, the SAP is available at:

www.whitehouse.gov/sites/default/files/omb/legislative/sap/113/saphr2954h_20140205.pdf

Legislation:

On February 4th, Sen. Hagan (D-NC) introduced **S. 1996**, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting on public lands. The bill is reported to be similar to **H.R. 3590**, the **Sportsmen's Heritage and Recreational Enhancement Act of 2013 (SHARE Act)** that passed the house on February 5th but does not include the **NEPA** exemptions included in the House bill. The Senate bill is reported to include similar language amending **TSCA** that would exempt lead ammunition, propellants and primers along with lead fishing tackle from federal regulation. Text of the bill is not yet available.

On February 4th, Sen. Inhofe (R-OK) introduced **S. 1988**, the **Electricity Reliability and Affordability Act of 2014**, a bill that would allow states to permanently waive any EPA regulation issued under the **CAA** for electric generators "if the Governor of the State certifies that the electric generating units are necessary for reasons of power reliability and affordability."

Hearings:

On February 4th, both the House and Senate held Congressional hearings on the West Virginia chemical spill and proposed **TSCA** reform legislation. The hearings add new momentum for TSCA Reform in both the House and Senate. Both hearings discussed the pros and cons of Senator Vitter's TSCA reform bill, **S. 1009**. House Energy and Commerce Committee Republicans and Democrats are currently working on their own TSCA reform bill. Rep. DeGettee (D-OH) remarked that she is encouraged by her discussions with Republican members about the legislation. The House hearing specifically looked at chemical testing under Sections 4 and reporting/retention of information under Section 8 of TSCA along with discussion of the spill in West Virginia. While the Senate hearing focused on the West Virginia spill as well as discussion of **S.1961**, the **Chemical Safety and Drinking Water Protection Act** which amends the **SDWA** to increase oversight of aboveground chemical storage facilities.

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